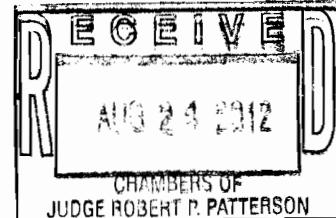


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August 24, 2012

By Facsimile

Hon. Robert P. Patterson
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

MEMO ENDORSED

United States v. Harris, 1:11-cr-00092 (RPP)

Dear Judge Patterson,

We represent Kyle Harris in the above-referenced matter. The government had requested a *Fatico* hearing to resolve a disputed factual issue that was contained in the Presentence Investigation Report ("PSR"), namely whether Mr. Harris handled a firearm during the operative offense. This dispute has been resolved and the government does not object to revising the PSR to remove statements alleging that Mr. Harris handled a firearm during the operative offense. The Probation Office's policy, however, is not to revise the PSR once it has been finalized unless directed to do so by the Court.

With the consent of the government, we request Your Honor to direct the Probation Office to revise the PSR to remove allegations that Mr. Harris handled a firearm during the operative offense.

Please let me know if you would like any additional information concerning this request. I can be reached at (202) 383-8174.

Sincerely,

Michael A. Janson

*application granted
so ordered
Robert Patterson
8/24/12*

cc: AUSA Todd Blanche (by email)
AUSA Parvin Moyne (by email)
Susan P. Matthews, Senior U.S. Probation Officer (by email)

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DATE FILED: 8/24/12